

Falk, Shane - GAB

From: Michael S. Maistelman <mmaistelman@gmail.com>
Sent: Monday, June 04, 2012 2:49 PM
To: Kennedy, Kevin - GAB; Haas, Michael R - GAB; Falk, Shane - GAB
Cc: joseguzman2012@gmail.com
Subject: IN THE MATTER of the Nomination Papers Filed By Jose Guzman with Respect to the August 14, 2012 Primary Election for the 9th State Assembly District
Attachments: Josh verified complaint-1[1].pdf; Affidavit of PI.pdf; Verification Page.pdf

Mr. Kennedy, Attached please find my client's Verified Complaint in the above-referenced matter.

I am also depositing the same in the US Mail today.

Mr. Guzman is also being served with the same via US Mail and email.

Please confirm your receipt of the attached Verified Complaint.

Thank you, Mike

--

Attorney Michael S. Maistelman
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STATE OF WISCONSIN:

BEFORE THE GOVERNMENT ACCOUNTABILITY BOARD

IN THE MATTER of the Nomination
Papers Filed By Jose Guzman with Respect
to the August 14, 2012 Primary Election for
the 9th State Assembly District

File No. _____

VERIFIED COMPLAINT OF JOSH ZEPNICK

The Complainant, Josh Zepnick, by his attorneys Maistelman & Associates, LLC by Attorney Michael S. Maistelman, alleges and shows as follows:

1. The Complainant, Josh Zepnick ("Complainant"), is an elector of the City and County of Milwaukee residing at 3173 S. 49th Street, Milwaukee, Wisconsin and currently holds the office of 9th State Assembly District.

2. The Respondent, Jose Guzman ("Respondent"), is upon information and belief a candidate in the August 14, 2012 Election for the 9th State Assembly District and whose address is listed as 739 S. 35th Street in the City and County of Milwaukee, Wisconsin.

3. On or about June 1, 2012, Respondent filed his nomination papers with the Government Accountability Board ("GAB").

4. Upon information and belief, Respondent's Nomination papers were allegedly circulated between May 5, 2012 and June 1, 2012.

5. Respondent's Nomination papers allegedly consisted of a sufficient number of signatures so as to equal 200 (two hundred) signatures, the amount required for placement on the ballot for August 14, 2012 Primary Election for the 9th State Assembly District. Petitioner is not aware of how many of Respondent's nomination signatures the GAB has accepted or rejected.

CHALLENGES TO CIRCULATOR INFORMATION

6. Pages 5, 16, 17, & 21 circulator did not correctly list her address. *See* affidavit of Private Investigator Les Johns.

7. Page 2, Jose Guzman, the circulator, in violation of Wis. Stats., Sec. 12.13(3)(a) permitted one person to fraudulently sign as different people, *See* affidavit of Private Investigator Les Johns.

8. Page 11, Line 1, 2 & 3 Jose Guzman, the circulator, in violation of Wis. Stats., Sec. 12.13(3)(a) permitted fictitious people to fraudulently sign as different people who do not reside at the address listed, *See* affidavit of Private Investigator Les Johns.

CHALLENGES TO INDIVIDUAL SIGNATURES AND

9. All of the preceding paragraphs are re-alleged and incorporated as if fully stated herein.

10. Page 1, Lines 1, 2, 3, 6, 7, 8, 9 & 10 do not list municipality.

11. Page 2, Lines 7, 8, 9 & 10 do not list municipality.

12. Page 2, Lines 2, 3, 4 & 5, Jose Guzman, the circulator, in violation of Wis. Stats., Sec. 12.13(3)(a) permitted one person to fraudulently sign as different people, *See* affidavit of Private Investigator Les Johns.

13. Page 2, Lines 8 & 9, Jose Guzman, the circulator, in violation of Wis. Stats., Sec. 12.13(3)(a) permitted one person to fraudulently sign as different people, *See* affidavit of Private Investigator Les Johns.

14. Page 3, Line 9 & 10 does not list municipality.

15. Page 4, Lines 1, 2, 3, 4, 5 & 6 do not list municipality.

16. Page 5, Lines 1 & 2 do not list municipality.

17. Page 6, Line 10 does not list municipality.

18. Page 7, Lines 4, 5, 6 & 10 do not list municipality.
19. Page 8, Line 8 does not list municipality.
20. Page 8, Line 10 failed to include date of signing.
21. Page 9, Lines 3, 4, & 6 does not list municipality.
22. Page 10, Lines 2, 3, & 4 does not list municipality.
23. Page 11, Lines 9 & 10 no address given.
24. Page 11, Lines 1, 2, 3, 4 & 8 does not list municipality.
25. Page 11, Line 1, 2 & 3 Jose Guzman, the circulator, in violation of Wis. Stats., Sec. 12.13(3)(a) permitted fictitious people to fraudulently sign as different people who do not reside at the address listed, *See* affidavit of Private Investigator Les Johns.
26. Page 13, Lines 4, 5, & 6 are signed by the same person.
27. Page 14, lines 1, 2, 3, 4, 5, 6, 7 & 10 do not list municipality.
28. Page 15, Lines 5 & 9 dates have been altered or cannot be determined.
29. Page 15, Lines 2, 3, 5, 6, 7, 8, 9 & 10 does not list municipality.
30. Page 16, Lines 5, 6, 7, 8 & 9 does not list municipality.
31. Page 18, Lines 1, 2, 3, 4, 5, & 6 does not list municipality.
32. Page 19, Line 7 does not list municipality.
33. Page 19, Lines 8 & 9 are signed by the same person.
34. Page 20, Lines 4 & 5 does not list municipality.
35. Page 20, Line 3, 4 & 5 addresses do not exist.
36. Page 21, Lines 3, 4, 5, & 6 does not list municipality.
37. Page 22, Line 7, 8, 9 & 10 do not list municipality.
38. Page 23, Lines 5, 6, 7, 8, 9, & 10 do not list municipality.

- 39. Page 24, Lines 5, 6, & 7 do not list municipality.
- 40. Page 25, Lines 2, 4, 5, & 6 do not list municipality.
- 41. Page 26, Lines 1 & 7 dates have been altered or cannot be determined.
- 42. Page 27, Line 8 not in the 9th Assembly District.
- 43. Page 27, Lines 5, 6, & 10 does not list municipality.
- 44. Page 28, Lines 2 & 3 individuals do not reside at address. *See* affidavit of Private

Investigator Les Johns.

- 45. Page 28, Lines 1, 2, 3, 4, & 5 do not list municipality.
- 46. Page 29, Lines 1, 2, 3, 4, 5 are signed by the same person.
- 47. Page 29, Lines 6 & 7 are signed by the same person.
- 48. Page 29, Line 6 incorrect date.
- 49. Page 29, Lines 8, 9, & 10 are signed by the same person.

CONCLUSION

50. Accordingly, Respondent has not submitted a sufficient number of signatures to be placed on the ballot for the August 14, 2012 Primary for the 9th State Assembly District.

51. This Verified Complaint is made pursuant to § El Bd 2.07(1), Wis. Admin. Code, and § 9.10(3)(b), Wis. Stats., and pursuant to § El Bd 10.03(6), Wis. Admin. Code, was served on Respondent via U.S. mail postage prepaid prior to filing.

WHEREFORE, Complainant respectfully requests that the GAB conduct an investigation pursuant to § El Bd 2.07(5), Wis. Admin. Code, in conjunction with such other public officials as the GAB, or the Executive Director thereof, may deem appropriate and determine the Nomination papers of the Respondent to be insufficient for the reasons set forth in this Verified Complaint.

Dated at Milwaukee, Wisconsin this 4th day of June 2012.

By: 

Michael S. Maistelman
State Bar No. 1024681
Dennis R. Krueger
State Bar No. 1009923

Attorneys for Complainant

P.O. ADDRESS:
5027 W. North Avenue
Milwaukee, Wisconsin 53208
(414) 908-4254

STATE OF WISCONSIN:

BEFORE THE GOVERNMENT ACCOUNTABILITY BOARD

IN THE MATTER of the Nomination
Papers Filed By Jose Guzman with Respect
to the August 14, 2012 Primary Election for
the 9th State Assembly District

File No. _____

AFFIDAVIT OF LES JOHNS

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

Les Johns, on oath, states:

1. That I am adult resident of the State of Wisconsin residing in the City and County Milwaukee, and I am a licensed Private Investigator.

2. That I was hired to verify certain information contained on Jose Guzman's Nomination Papers.

3. That the following is true and correct:

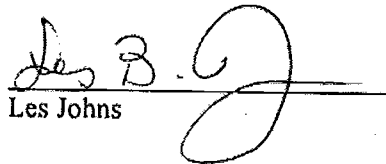
a. Pages 5, 16, 17, & 21 of Jose Guzman's nomination papers, the circulator did not correctly list her address. I went to the purported address of the Circulator; 3037 S. 83rd Street and I left my business card. Shortly thereafter, I received a phone call from Karen Dominguez Jara, the Circulator on Pages 5, 16, 17, & 21 of Jose Guzman's nomination papers and she informed me that her correct address is 3037 S. 83rd Street, Apartment 5. The Circulator failed to list her

correct address by not listing her apartment number.

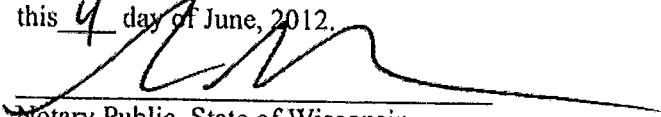
- b. I met with Betty Hubbard (see Page 2, line 2 of Jose Guzman's nomination papers.) Ms. Hubbard indicated that she signed the names listed in lines 2, 3, 4 & 5. She signed these other people's names in front of the circulator Jose Guzman in violation of Wis. Stats., Sec. 12.13(3)(a).
- c. I went to 827 Shea Avenue, Milwaukee, Wisconsin, the address which was listed on Jose Guzman's nomination papers Page 11, Line 1, 2 & 3. I spoke with the owner of the house – Marge Lazareich who informed me that no one from Page 11, lines 1, 2, & 3 live at 827 Shea Avenue.
- d. I went to 1407 S. 31st Street, Milwaukee, Wisconsin, the address which was listed on Jose Guzman's nomination papers Page 28, Line 1 & 2. I spoke with the sole occupant of the house – Julie Basina who informed me that no one from Page 28, line 2, lives at 1407 S. 31st Street, Milwaukee, Wisconsin.

Dated this 4th day of June, 2012 at Milwaukee, WI.




Les Johns

Subscribed and sworn to before me
this 4 day of June, 2012.


Notary Public, State of Wisconsin

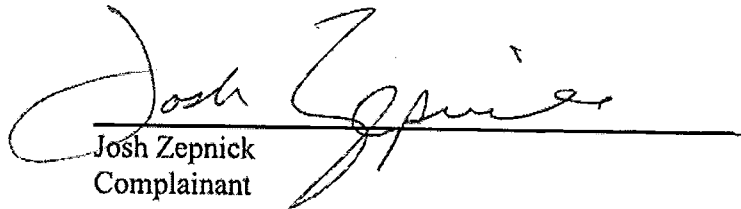
My Commission is current
2

VERIFICATION

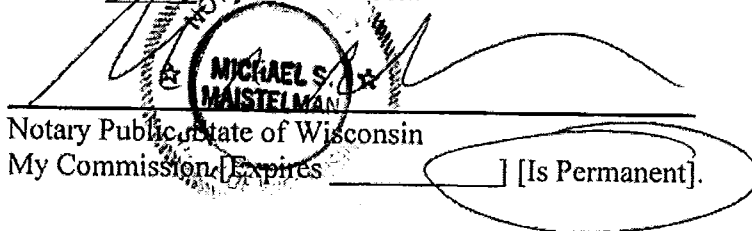
Josh Zepnick, being first duly sworn, on oath, deposes and says as follows:

1. That he is an elector and a resident of the City and County of Milwaukee, Wisconsin and resides in the 9th State Assembly District and is the current Representative in the State Assembly for the 9th Assembly District.
2. That he has read the foregoing Verified Complaint and that the same is true and correct, except as to those matters therein stated upon information and belief and, as to those matters, he believes them to be true.

Dated at Milwaukee, Wisconsin this 2nd day of June 2012


Josh Zepnick
Complainant

Subscribed and Sworn to before
me this 2nd day of June 2012.


Notary Public, State of Wisconsin
My Commission Expires] [Is Permanent].